

Article - Labor and Employment

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§9–806.

(a) (1) The Commission shall impose an assessment of 6.5%, payable to the Subsequent Injury Fund, on:

(i) each award against an employer or its insurer for permanent disability or death, including awards for disfigurement and mutilation;

(ii) except as provided in paragraph (2) of this subsection, each amount payable by an employer or its insurer under a settlement agreement approved by the Commission; and

(iii) each amount payable under item (i) or (ii) of this paragraph by the Property and Casualty Guaranty Corporation on behalf of an insolvent insurer.

(2) The amount of medical benefits specified in a formal set–aside allocation that is part of an approved settlement agreement shall be excluded from the assessment imposed by the Commission under paragraph (1)(ii) of this subsection if:

(i) 1. the amount of medical benefits is in excess of \$50,000; and

2. the payment of medical benefits by the employer or its insurer is directly to an authorized insurer that provides periodic payments to the covered employee pursuant to a single premium annuity; or

(ii) 1. the amount of medical benefits is in any amount; and

2. the payment of medical benefits by the employer or its insurer is to an independent third–party administrator that controls and pays the medical services in accordance with the formal set–aside allocation, provided there is no reversionary interest to the covered employee or the covered employee’s beneficiaries.

(3) (i) On or before July 1, 2014, and on or before July 1 each year thereafter, an employer or its insurer that is liable for payment of an assessment imposed under this section shall notify the Subsequent Injury Fund of the current billing address to which notices of payment shall be sent.

(ii) An employer or its insurer that has provided notice under subparagraph (i) of this paragraph shall notify the Subsequent Injury Fund of any change of billing address within 30 days of the change of address.

(b) In computing the amount of an assessment, the Commission shall round off any fractional dollar to the nearest whole dollar.

(c) Payment of an assessment under this section is in addition to any payment of compensation to a covered employee who has sustained an accidental personal injury, occupational disease, or compensable hernia or a dependent of the covered employee, as provided in this title.

(d) (1) The Director of the Subsequent Injury Fund promptly shall remit to the State Treasurer each payment of assessment received by the Subsequent Injury Fund.

(2) The State Treasurer shall hold, manage, and disburse the money in accordance with Title 10, Subtitle 2 of this article.

(e) The assessment imposed under this section is for payment of claims submitted to the Subsequent Injury Fund and is not a tax intended to benefit the State.

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